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GREENBERG TRAURIG, LLP			YACOB, SISAY	
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SUITE 2500			PAPER NUMBER	
CHICAGO, IL 60601-1732			2635	

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/603,975

Applicant(s)

CLERCQ ET AL.

Examiner

Sisay Yacob

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1 The application of Clercq et al., "Remote control with selective key illumination" filed on June 25, 2003 been examined.

Claims 1- 40 are pending

### ***Specification***

2 The abstract of the disclosure is objected to because of the use of the phrase "the invention". Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 102***

3 The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4 Claim 1-8, 11- 13, 15, 17-34, 37, 38 and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent of Goldstein (5,410,326).

5 As to claim 1, Goldstein discloses a remote control (Col. 5, lines 45-47, item 5 of figure 1) comprising, a button having an associated means for indicating that the button

Art Unit: 2635

may be operated to interact with interactive program content (Item 101 of figure 11) a receiving circuit for accepting a transmission to activate the means for indicating (Item 89 of figure 10 and 11), and a transmission circuit for transmitting a signal in response to activation of the button when the means for indicating is activated (Col. 4, lines 11-26).

6 As to claim 2, the remote control features as set forth above in claim 1, further, Goldstein discloses the button is a hard button (Col. 11, lines 27-66; Col. 14, lines 6-20; Item 80 of figure 4; Item 101 of figure 11).

7 As to claim 3, the remote control features as set forth above in claim 1, further, Goldstein discloses the button is a soft button (Col. 3, lines 45-51; Col. 4, lines 1-5).

8 As to claim 4, the remote control features as set forth above in claim 1, further, Goldstein discloses the means for indicating comprises a visual means (Col. 14, lines 1-8).

9 As to claim 5, the remote control features as set forth above in claim 4, further, Goldstein discloses the visual means comprises a means for selectively modifying the appearance of the button (Col. 14, lines 8-15).

10 As to claim 6, the remote control features as set forth above in claim 5, further, Goldstein discloses selectively modifying the appearance of the button comprises

animating the button, illuminating the button, or changing the color of the button (Col. 14, lines 6-8, 11-14).

11 As to claim 7, the remote control features as set forth above in claim 6, further, Goldstein discloses selectively modifying the appearance of the button is performed intermittently (Col. 14, lines 8-14)

12 As to claim 8, the remote control features as set forth above in claim 1, further, Goldstein discloses a label associated with the button indicating the nature of the functionality provided by the button (Col. 14, lines 15-17; Item 101 of figure 11).

13 As to claim 11, the remote control features as set forth above in claim 8, further, Goldstein discloses the label comprises alphanumeric characters (See figure 3 and 3A).

14 As to claim 12, the remote control features as set forth above in claim 8, further, Goldstein discloses the label comprises a graphical symbol (See figure 3, 3A and 3B).

15 As to claim 13, the remote control features as set forth above in claim 1, further, Goldstein discloses the receiving circuit comprises an IR receiver (Col. 15, lines 49-68; Item 26 of figures 12 and 13).

16 As to claim 15, the remote control features as set forth above in claim 1, further, Goldstein discloses the transmitting circuit comprises an IR transmitter (Col. 7, lines 50-55; Item 29 of figure 1A).

17 As to claim 17, the remote control features as set forth above in claim 1, further, Goldstein discloses the signal comprises data for use in making a purchase, answering questions, or initiating a multimedia program (Col. 4, lines 12-30).

18 As to claim 18, Goldstein discloses a method for controlling operation of a remote control having a button and an associated means for indicating that the button may be operated to interact with interactive program content (Col. 3, lines 45-68; Col. 4, lines 1-5) comprising, activating the means for indicating in response to a transmission received by the remote control (Item 101 of figure 11), and allowing the remote control to transmit a signal in response to activation of the button when the means for indicating is activated (Col. 13, lines 58-68; Col. 14, lines 1-55).

19 As to claim 19, the method features as set forth above in claim 18, further, Goldstein discloses the button is a hard button (Item 101 of figure 11).

20 As to claim 20, the method features as set forth above in claim 18, further, Goldstein discloses the button is a soft button (Col. 3, lines 45-51; Col. 4, lines 1-5).

21 As to claim 21, the method features as set forth above in claim 18, further, Goldstein discloses the means for indicating comprises a visual means (Col. 14, lines 1-8).

22 As to claim 22, the method features as set forth above in claim 21, further, Goldstein discloses selectively activating the visual means to modifying the appearance of the button (Col. 14, lines 8-15).

23 As to claim 23, the method features as set forth above in claim 22, further, Goldstein discloses selectively activating the visual means to modifying the appearance of the button comprises animating the button, illuminating the button, or changing the color of the button (Col. 14, lines 6-8, 11-14).

24 As to claim 24, the method features as set forth above in claim 22, further, Goldstein discloses selectively activating the visual means is performed intermittently (Col. 14, lines 8-14).

25 As to claim 25, Goldstein discloses a method for signaling a user to provide a response to a prompt via a remote control (Col. 3, lines 14-28), the method comprising the steps of displaying the prompt to the user via an entertainment system (Col. 4, lines 20-26), controlling the appearance of at least one of a plurality of buttons on a remote

control used with the entertainment system to indicate to the user that a response may be made to the prompt through operation of the button (Col. 14, lines 3-20).

26 As to claim 26, the method features as set forth above claim 25, further, Goldstein discloses comprising receiving at the remote control a transmission from the entertainment center used to control the appearance of the at least one of a plurality of buttons (Col. 14, lines 6-15).

27 As to claim 27, the method features as set forth above claim 25, further, Goldstein discloses controlling the appearance of the button comprises animating the button, illuminating the button, or changing the color of the button (Col. 14, lines 6-8, 11-14).

28 As to claim 28, the method features as set forth above claim 25, further, Goldstein discloses controlling the appearance of the button is performed intermittently (Col. 14, lines 8-14).

29 As to claim 29, Goldstein discloses a system for facilitating and encouraging user interaction with program content (Col. 3, lines 45-57) the system comprising an entertainment system for providing and displaying the program content (Col. 4, lines 27-34), including a prompt which requests a response from the user and for transmitting at least one instruction to the remote control (Col. 11, lines 27-36), and a remote control



Art Unit: 2635

having at least one button (Col. 11, lines 41-43; Col. 12, lines 48-53), the remote control being responsive to the instruction for modifying the appearance of the at least one button to indicate to the user that a response may be made to the prompt via operation of the button (Col. 11, lines 31-40).

30 As to claim 30, the system features as set forth above in claim 29, further, Goldstein discloses a button that includes a means for selectively modifying the appearance of the button to indicate to the user that a response may be made via operation of the button (Col. 14, lines 3-50).

31 As to claim 31, the system features as set forth above in claim 30, further, Goldstein discloses the means for selectively modifying the appearance of the button comprises animating the button, illuminating the button, or changing the color of the button (Col. 14, lines 6-8, 11-14).

32 As to claim 32, the system features as set forth above in claim 30, further, Goldstein discloses selectively modifying the appearance of the button is performed intermittently (Col. 3, lines 67-68; Col. 4, lines 1-5; Col. 14, lines 8-14).

33 As to claim 33, the system features as set forth above in claim 30, further, Goldstein discloses the instruction comprises a data signal including at least a control

command identifier for indicating that the instruction is a button based command (Col. 3, lines 67-68; Col. 4, lines 1-5; Col. 14, lines 44-50).

34 As to claim 34, the system features as set forth above in claim 33, further, Goldstein discloses the button based command comprises data indicative of a button mode, button color, and button on time (Col. 4, lines 30-40).

35 As to claim 37, the system features as set forth above in claim 29, further, Goldstein discloses a first button and a second button are included on the remote control and the instruction includes a first button based command for controlling the appearance of the first button and a second button based command for controlling the appearance of the second button (Col. 10, lines 3-39).

36 As to claim 38, the system features as set forth above in claim 37, further, Goldstein discloses the first button based command functions to modify the appearance of the first button to indicate to the user that a first response to the prompt may be made via operation of the first button (Col. 9, lines 31-38), and the second button based command functions to modify the appearance of the second button to indicate to the user that a second, alternate response to the prompt may be made via operation of the second button (Col. 9, lines 50-55).

Art Unit: 2635

37 As to claim 40, Goldstein discloses a method for notifying a user of an event via a remote control (Col. 3, lines 45-51), the method comprising the steps of sending at least one instruction from an entertainment system to the remote control (Col. 3, lines 38-44), controlling the appearance of at least one of a plurality of buttons on a remote control via the instruction to notify the user of an event (Col. 3, lines 67-68; Col. 4, lines 1-5)

***Rejections - 35 USC § 103***

38 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Art Unit: 2635

39 Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over US patent of Goldstein.

40 As to claim 9, the remote control features as set forth above in claim 8, except, Goldstein does not expressly disclose the label resides on the button. However, Goldstein discloses interactive soft buttons that have the label resides on the buttons (Col. 10, lines 64-68; Col. 11, lines 1-26; Items 64 and 79 of figure 3A).

It would have been obvious, to one of ordinary skill in the art, at the time of the invention, to modify the remote control of Goldstein, in order to have a button with a label associated with the button indicating the nature of the functionality provided by the button, because Goldstein discloses a remote control that has interactive buttons with the label residing on the buttons and a selectively illuminated button to indicate the status of the button interaction, so one of ordinary skill in the art recognize having the label residing on any or all of the interactive buttons facilitate ease of operation by the user.

41 Claims 10, 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art in view of the US patent of Goldstein.

42 As to claim 10, the remote control features as set forth above in claim 8, except, Goldstein does not expressly disclose the label resides adjacent the button. However,

Goldstein discloses interactive soft buttons that have the label resides adjacent the buttons (Col. 10, lines 51-52; Item 75 of figure 3).

It would have been obvious, to one of ordinary skill in the art, at the time of the invention, to modify the remote control of Goldstein, in order to have a button with a label associated with the button indicating the nature of the functionality provided by the button, because Goldstein discloses a remote control that has interactive buttons with the label residing adjacent the buttons and a selectively illuminated button to indicate the status of the button interaction, so one of ordinary skill in the art recognize having the label residing adjacent any or all of the interactive buttons facilitate ease of operation by the user.

43 As to claim 14, the remote control features as set forth above in claim 1, except, Goldstein does not expressly disclose the receiving circuit that comprises an RF receiver, however, applicant's admitted prior art discloses that RF transceivers are commonly used in the art of remote control (Page 1, lines 14-21).

It would have been obvious, to one of ordinary skill in the art, at the time of the invention, to modify the remote control with IR receiver circuit of Goldstein, to replace the IR receiving circuit by RF receiver circuit, as it taught by applicant's admitted prior art, in order to have a remote control with RF receiver circuit, because Goldstein discloses an interactive remote control with selectively illuminated button that employs an IR receiver circuit and Applicant's admitted prior art discloses a RF, IR or both RF and IR transceiver circuits are used in the remote control art, so one of ordinary skill in

the art recognize having RF, IR or both receiver circuit commonly used in the remote control art.

44 As to claim 16, the remote control features as set forth above in claim 1, except, Goldstein does not expressly disclose the transmitting circuit comprises an RF transmitter, however, applicant's admitted prior art discloses that RF transceivers are commonly used in the art of remote control (Page 1, lines 14-21).

It would have been obvious, to one of ordinary skill in the art, at the time of the invention, to modify the remote control with IR transmitter circuit of Goldstein, to replace the IR transmitting circuit by RF transmitter circuit, as it taught by applicant's admitted prior art, in order to have a remote control with RF transmitter circuit, because Goldstein discloses an interactive remote control with selectively illuminated button that employs an IR transmitter circuit and Applicant's admitted prior art discloses a RF, IR or both RF and IR transceivers circuits are used in the remote control art, so one of ordinary skill in the art recognize having RF, IR or both transmitter circuit commonly used in the remote control art.

45 Claims 35, 36 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent of Goldstein in view of US patent of Evans et al., (4,825,200).

46 As to claim 35, the system features as set forth above in claim 33, further, Goldstein discloses a control command identifier, however, Goldstein does not

expressly discloses the command for restricting operation of the remote control such that only the button indicated by the instruction may be operated. In the same filed of endeavor, a reconfigurable remote control transmitter, Evans et al., discloses a remote control system that is a restricting operation until a response is entered ("wait delay") when the remote control display prompt the user for a response and respond by pressing a desired function button (Col. 10, lines 64-68).

It would have been obvious, to one of ordinary skill in the art, at the time of the invention, to modify the remote control system with a control command identifier of Goldstein, by incorporating a remote control display prompt for a response by applying a restricting operation feature, as taught by Evans et al., in order to have a remote control system with a control command identifier that includes the command for restricting operation of the remote control such that only the button indicated by the instruction may be operated, because Goldstein discloses an interactive remote control system with selectively illuminated button that employs with a control command identifier for a user to response to a prompt that is send from the controlled device and Evans et al., discloses a remote control system that has a feature, which restricts operation until a response is entered, so one of ordinary skill in the art recognize having a control command identifier that includes a command for restricting operation of the remote control such that only the button indicated by the instruction may be operated is a desired feature to increase consumer interaction and favorable response products advertisements and sales.

Art Unit: 2635

47 As to claim 36, the system features as set forth above in claim 35, further, Evans et al., discloses the command for restricting operation is activated for a preset time period (Col. 10, lines 21-28).

48 As to claim 39, the system features as set forth above in claim 38, further, Evans et al., discloses a first response is an affirmative response, and a second response is a negative response (Col. 10, lines 66-68).

### ***Conclusion***

49 The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Oueslati et al., (US # 6,906,701) discloses a method and apparatus for indicating information to a user of a palmtop computer using Illuminatable hard buttons that are operable for performing functions and the hard buttons are selectively illuminated to indicate information to a user that relates to the function performed when the bard button is pressed.

Higginson (US # 6,703,963) discloses a universal keyboard with a multifunctional input device also includes a display to indicate the domain-level value associated with each of the input keys within a given functionality.



50 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sisay Yacob whose telephone number is (571) 272-8562. The examiner can normally be reached on Monday through Friday 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (571) 272-3068. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sisay Yacob

10/14/2005

S-Y-

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